



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 18, 2008

GREEN POINTE ASSOCIATES
717 S PEABODY
PORT ANGELES WA 98362-6233

Re: Water Right Application No. S2-28568

Hello,

I'm writing to ask for your help on a project. A number of people from Sequim and Port Angeles who helped develop the Elwha-Dungeness Watershed Plan are working on accomplishing the goals of the plan. As part of this, we need to estimate future water demand for the Dungeness watershed. A piece of this estimate will be based on the applications for water rights currently on file with the Department of Ecology.

You are receiving this letter with the return envelope and form because you have an application pending with Ecology for water from the Dungeness area.

Because a number of things may have changed since you filed your application, we'd like to hear from you. Plans may be different, property may have been sold, or you might have acquired water through other means.

Is your application still accurate? Your answer will help us more realistically estimate the amount of water that's being requested.

Action required on the enclosed form:

Please indicate if you still need water for your project.

If yes, your application will remain on file with Ecology. **OR**

If you do not need the water, please check that box and I can pass the information to staff in Ecology's Water Resources Program. **AND**

If you no longer own the property, please provide contact information for the new owner.



PLEASE NOTE

Ecology is not taking action on pending applications for water rights at this time.

Action will be taken after a Dungeness instream flow and water management rule has been adopted and enough information is available to make decisions.

The Dungeness rule is currently being discussed, and formal review of a draft rule is planned for late this summer. A public workshop is being held at the John Wayne marina in Sequim, from 4 to 7 p.m. on March 26th. We'll be talking about elements of the rule and options for water management. There will also be an announcement in the Sequim Gazette.

Ecology contact information

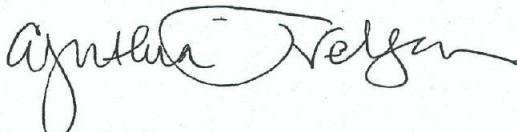
If you have questions about this request or are interested in the discussions on water supply and rule development, you can contact me at the Shorelands and Environmental Assistance Program, Southwest Regional Office of Ecology. My phone number is (360) 407-0276.

You can also call Sarah Ferguson of the Water Resources Program, who is working on the Dungeness rule, at (360) 407-6780.

Information on Dungeness rulemaking is on-line at:
<http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness/html>.

General information regarding watershed planning is available on Ecology's website at:
<http://www.ecy.wa.gov/watershed/index.html>.

Thank you for your time and attention.



Cynthia Nelson
Watershed Lead for Elwha Dungeness Watershed Planning
Shorelands and Environmental Assistance Program, Southwest Region

CN:dn

cc: Sarah Ferguson, Ecology Water Resources Program, HQ

Enclosures: Return envelope and form

CURT SMITCH
Director



STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

600 Capitol Way North • Olympia, Washington 98501-1091 • (206) 753-5700

Date 11/12/93

know cont'l field investigated;
3-15-93

Department of Ecology
Water Resources Section
Southwest Region
7272 Cleanwater Lane
Olympia, Washington 98504

Water Right Application # 52 28568
Applied for by GREEN POINTE ASSOC.
Water AGNEW CREEK
WRIA # 18
Amount 11 cfs int.

The waters to be affected by this water right application:

- ☐ support anadromous fish
- ☐ support resident fish
- ☐ support no fish
- ☐ based on site-specific knowledge
- ☐ based on experience with this type of water

The Department of Wildlife has reviewed the above referenced water right application and submits the following recommendations:

- ☐ This is a second response after field investigation following a hold request.
- ☐ WDOE has adopted minimum flows and stream closures for this WRIA. Water rights should be subject to adopted minimum flows and closures as stated in WAC 173-5_____.
- ☐ Deny:
- ☐ Deny: According to WDW policy (POL-3200 5. Diversion From Very Small Streams to be Discouraged), "Any diversion from very small streams (less than five feet wide between toes of banks) is detrimental to fish habitat at any flows except floods. The Department will discourage any diversion from very small streams which support fish."
- ☐ Deny: This water right, if granted, would adversely impact wetlands in violation of Executive Order 90-04.
- ☐ Minimum flow: All diversions shall cease when the flow of _____ as measured at _____ is less than _____ cfs during _____ and _____ cfs during _____.
- ☐ This is based on _____.
- ☐ This water right, if issued, should be subject to existing low flow on _____.
- ☐ If that existing low flow is not clearly defined as to point of measurement and specific number of cfs, then please notify us so that we may recommend specifics.

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- 1 Single domestic water rights normally do not exceed 0.02 cfs. If this water right is issued, we request that it be limited to no more than 0.02 cfs.
- X Please HOLD pending investigation to determine minimum flow needed. We will be able to provide site-specific minimum flow recommendations by 3/15/93 after field investigations are completed.
- Please HOLD pending completion of IFIM study which should be conducted by applicant following Instream Flow Study Guidelines available from Department of Wildlife.
- Screening criteria: Maximum approach velocity 0.40 ft/sec, 1/8 inch mesh.
- Hydraulic Project Approval required.
- Spring is important wildlife habitat. We request that WDOE establish conditions to minimize impact to wildlife habitat. Please call us if we can assist.
- No comments.
- Other:

Thank you for the opportunity to review and comment.

Sincerely,

Constance Iten

Constance Iten
Habitat Biologist

CI:mjf

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JOSEPH R. BLUM
Director



DEC 92 4:13 PM

Sheri

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

December 11, 1992

Washington Department of Ecology
ATTENTION: Gayle Blomstrom
LU-11
Post Office Box 47775
Olympia, Washington 98504-7775

SUBJECT: Water Right Application No. S2-28568, Green Pointe Association, 0.11 cfs, Agnew Creek, Tributary to the Strait of Juan De Fuca, NW 1/4 NW 1/4, Section 7, Township 30 North, Range 4 West in Clallam County, WRIA 18.0172

Dear Ms. Blomstrom:

Agnew Creek is comprised mostly of Agnew Irrigation District tail water, particularly during the irrigation season. This water is appropriated from the Dungeness River.

The Dungeness River is an extreme case of an important salmon producing river that has been severely impacted by water withdrawals. In 1991 the U.S. Fish and Wildlife Service analyzed fish habitat in the Dungeness River using the instream flow incremental methodology (IFIM) and found that production of chinook and pink salmon and steelhead trout is severely limited by low flows during late summer and fall. Passage of chinook and pinks is often blocked by lack of flow; at times irrigation withdrawals remove over 65% of the stream flow.

Approval of this water right application will create a need for irrigation tail water that does not currently exist and may result in increased withdrawals from the Dungeness River. Therefore I strongly recommend denial of this application. I also question if this water can legally be used outside the geographical boundaries of the Agnew Irrigation District.

Thank you for the opportunity to review and comment.

Sincerely

Randy Johnson

Randy Johnson
Regional Habitat Manager

RLJ:RLJ

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CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

October 21, 1992

Green Pointe Associates
Jay Petersen
Northwest Territories
717 South Peabody
Port Angeles, Washington 98362-6233

Dear Mr. Petersen:

Re: Surface Water Application No. S 2-28568

We acknowledge receipt of your affidavit of publication of notice in connection with the above-numbered application.

The water codes require that no action be taken toward issuance of a permit earlier than thirty (30) days after the last date of publication. This period of time is allowed for filing any protests or objections.

A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,

Sheri Fox
Water Resources

SF:lo(12A)

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... 27th day of August 1992
Notary Public in and for the State of Washington residing at Port Angeles.

10/20/92
SF

In the Superior Court of the
State of Washington for
Clallam County

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss.

The undersigned being first duly sworn on
oath, deposes and says:

That she is authorized to and does make
this affidavit for and on behalf of Peninsula
Daily News, a corporation, and that the
following statements of fact are within her
personal and actual knowledge.

That said corporation is the owner and pub-
lisher of the Peninsula Daily News published in
Clallam County, and has been approved as a
legal newspaper by order of the Superior
Court of said Clallam County of the State of
Washington.

That the annexed is a true copy of a

Inv. 78180, notice of
application to appropriate
public waters

as it was published in regular issues (and not
in supplement form) of said newspaper on

Aug 18 and 25, 1992

and that said newspaper was regularly dis-
tributed to its subscribers during all of said
period. That the full amount of the fee charged

for the foregoing publication is \$ 44.14
at the rate of

\$ 6.13 per column inch

Carol J. Jorgensen

Subscribed and sworn to before me this

27th day of August 1992

Janice L. Decker

Notary Public in and for the State of
Washington residing at Port Angeles.

19 OCT 92 12:31

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
NOTICE OF APPLICATION
TO APPROPRIATE
PUBLIC WATERS
TAKE NOTICE: That Green
Pointe Associates of Port An-
geles, Washington on July 17,
1992 under Application No.
S2-28568 filed for permit to
appropriate public waters,
subject to existing rights, from
Agnew Creek Tributary Strait
of Juan de Fuca in the amount
of 0.11 cubic feet per second
as needed each year, for
irrigation during irrigation sea-
son. The source of the pro-
posed appropriation is located
within NW 1/4 NW 1/4 of Section
7, Township 30 N., Range 4W
W.M., in Clallam County.
Protests or objections to ap-
proval of this application must
include a detailed statement of
the basis for objections; pro-
tests must be accompanied by
a two dollar (\$2.00) recording
fee and filed with the Depart-
ment of Ecology, at the ad-
dress shown below, within
thirty (30) days from August
25, 1992.
DEPARTMENT OF ECOLOGY
POST OFFICE BOX 47775
OLYMPIA, WA 98504-7775
Pub.: Aug. 18, 25, 1992.

affidavit
OK
10/20/92
SK

NORTHWESTERN TERRITORIES, INC.

717 South Peabody Street
PORT ANGELES, WASHINGTON 98362

(206) 452-8491

TO WA State Dept. of Ecology
7272 Cleanwater Lane LU-11
Olympia, Washington 98504-6811

LETTER OF TRANSMITTAL

DATE October 15, 1992	JOB NO.
ATTENTION Ms. Sheri Fox	
RE: Surface Water Application No. S 2-28568	

WE ARE SENDING YOU

☒ Attached

☐ Under separate cover via _____

the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☒ See Below

COPIES	DATE	NO.	DESCRIPTION
1			Affidavit of Publication

THESE ARE TRANSMITTED as checked below:

☐ For approval

☐ Approved as submitted

☐ Resubmit _____ copies for approval

☒ For your use

☐ Approved as noted

☐ Submit _____ copies for distribution

☐ As requested

☐ Returned for corrections

☐ Return _____ corrected prints

☐ For review and comment

☐ _____

☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO _____

SIGNED: _____

Kathy Hill for
Jay S. Petersen

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

October 12, 1992

Jay Petersen
NW Territories
717 S. Peabody
Pt Angeles, Washington 98362-6233

Dear Mr. Petersen:

Re: Surface Water Application No. S 2-28568

On August 6, 1992, this office sent a notice to you for publication in a newspaper within Clallam County.

We have not received the necessary affidavit of publication and, therefore, cannot continue to process application.

Please reply within thirty (30) days or, if you are no longer interested in the application or obtaining a water right, please sign the statement below and return to this office.

I am no longer interested in processing the Surface Water Application No. S 2-28568 for obtaining a water right and I hereby agree to it being cancelled.

I understand that after the effective date of cancellation, any use of the surface water is a violation in accordance with Chapter 90.03 RCW and subject to enforcement action.

Signature

Sincerely,

Sheri Fox
Water Resources

SF:th(6AS)

PLEASE NOTIFY OF ADDRESS CHANGE

S



JAMESTOWN S'KLALLAM TRIBE

305 Old Blyn Highway, Sequim, WA 98382

206/683-1109

FAX 206/683-4366

August 20, 1992

'92 AUG 21 10:03

DEPARTMENT OF ECOLOGY
S W REGIONAL OFFICE

Washington Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

RE: Water Right Application No. S2-28568; Green Pointe Associates

The Jamestown S'Klallam Tribe has seen the newspaper notice for the aforementioned water right from "Agnew Creek" published on August 18, 1992. Based on our limited knowledge of this project, it appears that this could be associated with the Agnew Irrigation Ditch, which withdraws water from the Dungeness River.

The Tribe would object to any additional water rights linked directly to the Dungeness River, or which indirectly increase dependency on the Dungeness irrigation system to recharge area aquifers and smaller creeks. We request an analysis of the sources of water feeding "Agnew Creek" and an assessment of the fisheries resources of the creek. We also request information on the type of crops likely to be irrigated, the methods to be used, and a water management plan for the operation.

Please send us a copy of the application and supporting documentation for this request. Thank you.

Sincerely,

Ann E. Seiter
Natural Resources Director

cc: Clallam County Dept. of Community Development/Planning

Sent copy
of app 8/21/92

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

August 6, 1992

Jay Petersen, Northwestern Territories
Green Pointe Associates
717 S. Peabody
Port Angeles, Washington 98362-6233

Dear Mr. Petersen:

Re: Surface Water Application No. S 2-28568

Your application for the appropriation of water has been assigned the above-referenced number. Please refer to this number in future correspondence.

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed. The applicant is responsible for the payment of the publication.

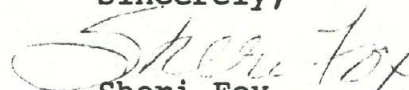
Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication from the newspaper, please forward it to this office promptly.

A site investigation will be made by this office before we issue a permit decision.

In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,


Sheri Fox
Water Resources

SF:pz
Enclosures



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Green Pointe Associates
of Port Angeles, Washington on July 17, 1992 under
Application No. S2-28568 filed for permit to appropriate public waters, subject to existing rights,
from Agnew Creek tributary Strait of Juan de Fuca
in the amount of 0.11 cubic feet per second as needed
each year, for irrigation during irrigation season

The source of the proposed appropriation is located within NW 1/4 NW 1/4
of Section 7, Township 30 N., Range 4W W.M., in Clallam County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

* Notice must be published once a week for two consecutive weeks.

DEPARTMENT OF ECOLOGY
POST OFFICE BOX 47775
OLYMPIA WA 98504-7775